MINUTES

of the

Ordinary Council Meeting



Held, pursuant to the provisions of the Local Government Act 1999, in the

Council Chamber Redbanks Road Mallala

on

Monday 18 December 2023 at 4.30pm

mw

The Acting Mayor formally declared the meeting open at 4.30pm.

1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that we meet on the traditional country of the Kaurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kaurna people living today.

2 ATTENDANCE RECORD

Present:

Acting Mayor Marcus Strudwicke

Councillor Alana Bombardieri

Councillor Kay Boon

Councillor Carmine Di Troia

Councillor Terry-Anne Keen

Councillor Margherita Panella (entered the meeting at 4.33pm)

Councillor David Paton

Councillor Eddie Stubing

Staff in Attendance:

Chief Executive Officer Mr James Miller
Acting Director Corporate Services Ms Amy Fagan

Director Development and Community Mr Michael Ravno

Acting Director Finance Ms Carmel Vandermolen

Director Infrastructure and Environment Mr Thomas Jones

Manager Governance Ms Rachel Kammermann

Manager Growth and Investment Mr David Bailey

Manager Library and Community Ms Anne Sawtell

Wishing Saween

Senior Information Technology Officer Mr Thomas Harris-Howson

Governance Administration Officer Ms Paige Graham

Executive Assistant to the CEO and Mayor/Minute Taker

Property Officer Mr Maurice Park

Apologies:

Mayor Mark Wasley (Leave of Absence)

Councillor Dante Mazzeo

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Ms Susan Cook

3 MINUTES

3.1 CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING - 27 NOVEMBER 2023

RESOLUTION 2023/376

Moved: Councillor Di Troia Seconded: Councillor Bombardieri

"that the minutes of Ordinary Council Meeting held on 27 November 2023 be confirmed."

CARRIED

4 BUSINESS ARISING

Nil

5 DECLARATION OF MEMBERS' INTEREST

Councillor Keen foreshadowed an interest in *Item* 15.1 - 2022 *Local Government Election Results* on the basis she is a member affected by the outcome of the matter. Councillor Keen chose to remain in the meeting as the report was only being received and noted.

6 ADJOURNED BUSINESS

Nil

7 MAYOR'S REPORT

7.1 ACTING MAYOR'S REPORT

RESOLUTION 2023/377

Moved: Councillor Keen Seconded: Councillor Stubing

"that Council, having considered Item 7.1 – *Acting Mayor's Report*, dated 18 December 2023, receives and notes the report."

CARRIED

8 REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9 DEPUTATIONS

Nil

10 PRESENTATIONS/BRIEFINGS

Nil

11 PETITIONS

Nil

12 COMMITTEE MEETING MINUTES

Nil

13 SUBSIDIARY MEETINGS

Councillor Panella entered the meeting at 4.33pm.

13.1 LEGATUS GROUP - ORDINARY MEETING - 1 DECEMBER 2023

RESOLUTION 2023/378

Moved: Councillor Keen
Seconded: Councillor Di Troia

"that Council receives and notes the draft Minutes of the Legatus Group Ordinary Meeting held on 1 December 2023."

CARRIED UNANIMOUSLY

14 REPORTS FOR DECISION

14.1 ANNUAL REVIEW OF CONFIDENTIAL ITEMS

RESOLUTION 2023/379

Moved: Councillor Stubing Seconded: Councillor Boon

"that Council, having considered Item 14.1 – Annual Review of Confidential Items, dated 18 December 2023, receives and notes the report and acknowledges that a formal review of Council's confidential items has been undertaken."

CARRIED UNANIMOUSLY

RESOLUTION 2023/380

Moved: Councillor Keen Seconded: Councillor Boon

"that Council, having considered Item 14.1 – Annual Review of Confidential Items, dated 18 December 2023, resolves as follows with respect to the orders made under section 91(7) of the Local Government Act 1999 outlined in Table 3 of the report, entitled 'Recommended to Release':

- 1. For all orders which are marked as "Subject to Consultation", Council authorises and directs the Chief Executive Officer:
 - (a) to conduct consultation with whomever the Chief Executive Officer considers appropriate and however the Chief Executive Officer see fits; and
 - (b) to determine, following such consultation, whether or not to revoke each order (and, for any such order with respect to which the Council has not already delegated the power to revoke, the Council hereby delegates that power to the Chief Executive Officer under section 91(9)(c) of the Local Government Act 1999);
- 2. For all orders which are not marked as "Subject to Consultation", the Council revokes those orders."

CARRIED UNANIMOUSLY

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14.2 MALLALA & DISTRICTS LIONS CLUB - REQUEST TO CONSTRUCT FENCE

RESOLUTION 2023/381

Moved: Councillor Panella Seconded: Councillor Boon

"that Council, having considered Item 14.2 – Mallala & Districts Lions Club - Request to Construct Fence, dated 18 December 2023, receives and notes the report and in doing so instructs the Chief Executive Officer to advise the Mallala & Districts Lions Club that it does not approve the northern boundary fencing at Mallala & Districts Lions Club Community Complex in 1.8m high Colourbond fencing."

CARRIED

14.3 REGIONAL HEALTH PLAN - ELECTED MEMBER REPRESENTATION

RESOLUTION 2023/382

Moved: Councillor Boon
Seconded: Councillor Panella

"that Council, having considered Item 14.3 – Regional Health Plan - Elected Member Representation, dated 18 December 2023, receives and notes the report and in doing so notes the resignation of Councillor Alana Bombardieri from the Barossa, Light and Lower Northern Regional Public Health Plan Advisory Group on 22 November 2023."

CARRIED UNANIMOUSLY

RESOLUTION 2023/383

Moved: Councillor Boon
Seconded: Councillor Di Troia

"that Council, having considered Item 14.3 – Regional Health Plan - Elected Member Representation, dated 18 December 2023, and in light of Councillor Alana Bombardieri's resignation, appoints Councillor Terry-Anne Keen to represent Adelaide Plains Council on the Barossa, Light and Lower Northern Regional Public Health Plan Advisory Group."

CARRIED UNANIMOUSLY

14.4 MOBILE FOOD VENDOR POLICY

RESOLUTION 2023/384

Moved: Councillor Panella Seconded: Councillor Boon

"that Council, having considered Item 14.4 – *Mobile Food Vendor Policy*, dated 18 December 2023, receives and notes the report and in doing so notes the submissions received in consultation, as presented in Attachment 1 to this report."

CARRIED

RESOLUTION 2023/385

Moved: Councillor Panella Seconded: Councillor Keen

"that Council, having considered Item 14.4 – Mobile Food Vendor Policy, dated 18 December 2023, endorses refinements to the Draft Mobile Food Vendor Policy as contained in the submission responses presented in Attachment 2 to this report."

CARRIED UNANIMOUSLY

The Acting Mayor sought leave of the meeting to suspend meeting procedures pursuant to regulation 20(1) of the *Local Government* (Procedures at Meetings) *Regulations 2013* and section 20(1) of Council's *Code of Conduct – Meeting Procedures* for a period of time sufficient to facilitate informal discussion of Item 14.4 - Mobile Food Vendor Policy. Leave was granted.

The meeting was suspended at 4.50pm.

The meeting resumed at 5.08pm.

RESOLUTION 2023/386

Moved: Councillor Panella Seconded: Councillor Bombardieri

"that Council, having considered Item 14.4 – *Mobile Food Vendor Policy*, dated 18 December 2023, endorses the amended Draft Mobile Food Vendor Policy presented in Attachment 3 to this report, with changes to include:

- 1. definitions to include public road;
- 2. define the parameters of the boundary of shops /not for profit groups; and
- 3. to include that all rubbish be removed around their site at the conclusion of their trading."

CARRIED

14.5 PROPOSED DUBLIN EMPLOYMENT LANDS CODE AMENDMENT

RESOLUTION 2023/387

Moved: Councillor Panella Seconded: Councillor Di Troia

"that Council, having considered Item 14.5 – Proposed Dublin Employment Lands Code Amendment, dated 18 December 2023, receives and notes the report and in doing so notes the Chief Executive Officer's intention to advise Leinad Land Developments (Dublin) Pty Ltd that Council has no objection to the initiation of the Code Amendment seeking to investigate employment land to the south of Dublin, and notes advice dated 14 December 2023 from Ekistics for Leinad that the area affected does not include, Lot 22 Ruskin Road (CT 6090 419)."

CARRIED UNANIMOUSLY

15 REPORTS FOR INFORMATION

15.1 2022 LOCAL GOVERNMENT ELECTION RESULTS

RESOLUTION 2023/388

Moved: Councillor Panella Seconded: Councillor Boon

"that Council, having considered Item 15.1 - 2022 Local Government Election Results, dated 18 December 2023, receives and notes the report."

CARRIED UNANIMOUSLY

15.2 COUNCIL RESOLUTIONS - MONTHLY STATUS UPDATE

RESOLUTION 2023/389

Moved: Councillor Panella Seconded: Councillor Bombardieri

"that Council, having considered Item 15.2 – Council Resolutions - Monthly Status Update, dated 18 December 2023, receives and notes the report."

CARRIED UNANIMOUSLY

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15.3 CAMPGROUND - OPERATIONS & EXPENDITURE

RESOLUTION 2023/390

Moved: Councillor Panella Seconded: Councillor Paton

"that Council, having considered Item 15.3 – *Campground - Operations & Expenditure* dated 18 December 2023, receives and notes the report."

CARRIED UNANIMOUSLY

15.4 MALLALA COUNCIL CHAMBER LIVESTREAM AUDIO

RESOLUTION 2023/391

Moved: Councillor Panella Seconded: Councillor Di Troia

"that Council, having considered Item 15.4 – *Mallala Council Chamber Livestream Audio*, dated 18 December 2023, receives and notes the report."

CARRIED UNANIMOUSLY

15.5 CAPITAL WORKS AND OPERATING PROGRAM MONTHLY UPDATE - DECEMBER 2023

RESOLUTION 2023/392

Moved: Councillor Panella Seconded: Councillor Keen

"that Council, having considered Item 15.5 – Capital Works and Operating Program Monthly Update

- December 2023, dated 18 December 2023, receives and notes the report."

CARRIED UNANIMOUSLY

15.6 PRECINCT DEVELOPMENT GRANT OPPORTUNITY

RESOLUTION 2023/393

Moved: Councillor Keen
Seconded: Councillor Di Troia

"that Council, having considered Item 15.6 – *Precinct Development Grant Opportunity*, dated 18 December 2023, receives and notes the report."

CARRIED UNANIMOUSLY

16 QUESTIONS ON NOTICE

Nil

17 QUESTIONS WITHOUT NOTICE

Not recorded in Minutes in accordance with regulation 9(5) of the *Local Government (Procedures at Meetings) Regulations 2013.*

18 MOTIONS ON NOTICE

Nil

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19 MOTIONS WITHOUT NOTICE

Nil

20 URGENT BUSINESS

Nil

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21 CONFIDENTIAL ITEMS

21.1 TRANS-TASMAN ENERGY GROUP CLAIM - UPDATE

RESOLUTION 2023/394

Moved: Councillor Keen Seconded: Councillor Boon

"that:

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, Council orders that all members of the public, except:
 - Chief Executive Officer;
 - Acting Director Corporate Services;
 - Acting Director Finance;
 - Director Infrastructure and Environment;
 - Director Development and Community;
 - Manager Governance;
 - Senior Information Technology Officer:
 - Executive Assistance to the CEO and Mayor/Minute Taker;
 - Governance Administration Officer; and
 - Kate Brandon of HWL Ebsworth Lawyers;

be excluded from attendance at the meeting of Council for Item 21.1 *Trans-Tasman Energy Group Claim - Update;*

- 2. Council is satisfied that pursuant to sections 90(3)(h) and (i) of the Local Government Act 1999, Item 21.1 Trans-Tasman Energy Group Claim Update concerns information of a confidential nature, the disclosure of which would involve the unreasonable disclosure of legal advice; AND information relating to actual litigation, or litigation that Council believes on reasonable grounds will take place, involving the council or an employee of Council; and
- 3. Council is satisfied the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential."

CARRIED

21.1 TRANS-TASMAN ENERGY GROUP CLAIM - UPDATE

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RESOLUTION 2023/396

Moved: Councillor Keen Seconded: Councillor Boon

"that Council, having considered Item 21.1 *Trans-Tasman Energy Group Claim - Update* in confidence under sections 90(2) and 90(3)(h) and (i) of the *Local Government Act 1999*, resolves that:

- 1. The
 - · report; and
 - minutes

pertaining to Item 21.1 *Trans-Tasman Energy Group Claim - Update*, remain confidential and not available for public inspection until further order of Council;

- 2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
- 3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer."

CARRIED

21.2 RECRUITMENT OF AN INDEPENDENT MEMBER - INFRASTRUCTURE AND ENVIRONMENT COMMITTEE

RESOLUTION 2023/397

Moved: Councillor Keen

Seconded: Councillor Bombardieri

"that:

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, Council orders that all members of the public, except:
 - Chief Executive Officer;
 - Acting Director Corporate Services;
 - Acting Director Finance;
 - Director Infrastructure and Environment;
 - Director Development and Community;
 - Manager Governance;
 - Senior Information Technology Officer;
 - Executive Assistance to the CEO and Mayor/Minute Taker; and
 - Governance Administration Officer;

be excluded from attendance at the meeting of Council for Item 21.2 Recruitment of an Independent Member - Infrastructure and Environment Committee;

- 2. Council is satisfied that pursuant to sections 90(a) of the Local Government Act 1999, Item 21.2 Recruitment of an Independent Member - Infrastructure and Environment Committee concerns information of a confidential nature, the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- 3. Council is satisfied the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential."

CARRIED

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21.2 RECRUITMENT OF AN INDEPENDENT MEMBER - INFRASTRUCTURE AND ENVIRONMENT COMMITTEE

RESOLUTION 2023/398

Moved: Councillor Keen Seconded: Councillor Panella

"that Council, having considered Item 21.2 – Recruitment of an Independent Member - Infrastructure and Environment Committee, dated 18 December 2023, receives and notes the report and in doing so appoints Mr Howard Lacy as Independent Chairperson to the Infrastructure and Environment Committee."

CARRIED UNANIMOUSLY

RESOLUTION 2023/399

Moved: Councillor Boon Seconded: Councillor Keen

"that Council, having considered Item 21.2 – Recruitment of an Independent Member - Infrastructure and Environment Committee, dated 18 December 2023, and noting the appointment of Mr Howard Lacy as Independent Chairperson to the Infrastructure and Environment Committee, instructs the Chief Executive Officer to proceed in seeking expressions of interest for the one (1) independent membership position as called for in resolution 2023/317."

CARRIED UNANIMOUSLY

21.3 AUSTRALIA DAY AWARDS 2024

RESOLUTION 2023/400

Moved: Councillor Keen Seconded: Councillor Boon

"that:

- 1. Pursuant to section 90(2) of the Local Government Act 1999, Council orders that all members of the public, except:
 - Chief Executive Office;
 - Acting Director Corporate Services;
 - Acting Director Finance;
 - Director Infrastructure and Environment;
 - Director Development and Community;
 - Manager Governance;
 - Manager Library and Community;
 - Senior Information Technology Officer;
 - Executive Assistance to the CEO and Mayor/Minute Taker; and
 - Governance Administration Officer;

be excluded from attendance at the meeting of Council for Item 21.3 – Australia Day Awards 2024;

- Council is satisfied that pursuant to section 90(3)(o) of the Local Government Act 1999, Item 22.3 Australia Day Awards 2024 concerns information relating to a proposed award recipient before the presentation of the award;
- 3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential."

CARRIED

The Acting Mayor sought leave of the meeting to suspend meeting procedures pursuant to regulation 20(1) of the *Local Government* (Procedures at Meetings) *Regulations 2013* and section 20(1) of Council's *Code of Conduct – Meeting Procedures* for a period of time sufficient to facilitate information discussion in relation to nominations for, and awarding of, the Australia Day Awards 2024. Leave was granted.

The meeting was suspended at 6.04pm.

Councillor Alana Bombardieri left the meeting at 6.05pm. Councillor Alana Bombardieri returned to the meeting 6.08pm

Councillor Carmine Di Troia left the meeting at 6.29pm. Councillor Carmine Di Troia returned to the meeting 6.31pm.

The meeting resumed at 6.34pm.

21.3 AUSTRALIA DAY AWARDS 2024

RESOLUTION 2023/401

Moved: Councillor Keen Seconded: Councillor Stubing

"that Council, having considered Item 21.3 – *Australia Day Awards 2024*, dated 18 December 2023, receives and notes the report."

CARRIED UNANIMOUSLY

RESOLUTION 2023/402

Moved: Councillor Boon Seconded: Councillor Stubing

"that Council, having considered Item 21.3 – Australia Day Awards 2024, dated 18 December 2023, determines Denis and Maria Pellizzari as the recipient of the Citizen of the Year Award."

CARRIED UNANIMOUSLY

RESOLUTION 2023/403

Moved: Councillor Keen Seconded: Councillor Di Troia

"that Council, having considered Item 21.3 – Australia Day Awards 2024, dated 18 December 2023, determines Jacob Paul as the recipient of the Young Citizen of the Year Award."

CARRIED UNANIMOUSLY

RESOLUTION 2023/404

Moved: Councillor Panella Seconded: Councillor Keen

"that Council, having considered Item 21.3 – Australia Day Awards 2024, dated 18 December 2023, determines Dublin War Memorial 20th Anniversary and Remembrance Service as the recipient of the Community Event of the Year Award."

CARRIED

RESOLUTION 2023/405

Moved: Councillor Paton Seconded: Councillor Stubing

"that Council, having considered Item 21.3 – Australia Day Awards 2024, dated 18 December 2023, determines Two Wells Oval Water Tank Mural as the recipient of the Community Project of the Year Award."

CARRIED

Councillor Boon called for a division:

The Acting Mayor declared the vote set aside

In favour:

Councillors Stubing, Panella, Bombardieri, Di Troia and Paton

Against:

Councillors Boon and Keen

The Acting Mayor declared the motion CARRIED

MOTION

Moved: Councillor Keen Seconded: Councillor Stubing

"that Council, having considered Item 21.3 Australia Day Awards 2024 in confidence under sections 90(2) and 90(3)(o) of the Local Government Act 1999, resolves that:

- the report;
- minutes; and
- attachment 1–12;

pertaining to Item 21.3 Australia Day Awards 2024, remain confidential and not available for public inspection until all award recipients have been notified of Council's decision."

AMENDMENT

Moved: Councillor Boon

"that the words 'report and attachments 1-12' be removed and the following wording be inserted: 'the report and attachment 1-12 remain confidential and not available for public inspection until further order of Council; pursuant to section 91(9)(a) of the Local Government Act 1999, the confidentiality of the matter will be reviewed every 12 months; and pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer."

The motion LAPSED for want of a seconder

The Acting Mayor, with the consent of the mover and seconder, was granted leave of the meeting to vary the motion to read:

AS VARIED

RESOLUTION 2023/406

Moved: Councillor Keen Seconded: Councillor Stubing

"that Council, having considered Item 21.3 Australia Day Awards 2024 in confidence under sections 90(2) and 90(3)(o) of the Local Government Act 1999, resolves that:

1. The minute pertaining to Item 21.3 Australia Day Awards 2024, remain confidential and not available for public inspection under section 91(7) of the Local Government Act 1999 until all award recipients have been notified of Council's decision;

2. The:

- a. The report; and
- b. attachment 1-12;

pertaining to Item 21.3 *Australia Day Awards 2024*, remain confidential and not available for public inspection until further order of Council;

- 3. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
- 4. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer."

CARRIED UNANIMOUSLY

21.4 TWO WELLS TOWN CENTRE - LAND FACILITATION AGREEMENT: ADELAIDE PLAINS COUNCIL AND PREFERRED PROPONENT

RESOLUTION 2023/407

Moved: Councillor Keen Seconded: Councillor Di Troia

"that:

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, Council orders that all members of the public, except:
 - Chief Executive Officer;
 - Acting Director Corporate Services;
 - Acting Director Finance;
 - Director Infrastructure and Environment;
 - Director Development and Community;
 - Manager Governance;
 - Senior Information Technology Officer;
 - Executive Assistance to the CEO and Mayor/Minute Taker;
 - Governance Administration Officer;
 - Mr Sean Keenihan of Norman Waterhouse Lawyers;
 - Mr Ben Koop of Alinea Group;
 - Mr Paul Sanders of Alinea Group;
 - Mr Peter Fairlie-Jones (Adelaide Plains Council Audit Committee Independent Member); and
 - Mr Peter Scargill (Adelaide Plains Council Audit Committee Independent Member);

be excluded from attendance at the meeting of Council for Item 21.4 – Two Wells Town Centre - Land Facilitation Agreement: Adelaide Plains Council and Preferred Proponent;

- 2. Council is satisfied that pursuant to sections 90(3)(b)(i) of the Local Government Act 1999, Item 21.4 Two Wells Town Centre Land Facilitation Agreement: Adelaide Plains Council and Preferred Proponent concerns information of a confidential nature, the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council;
- 3. Council is satisfied the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential."

CARRIED

18 December 2023

Councillor Boon left the meeting at 6.51pm. Councillor Boon returned to the meeting at 6:53pm.

21.4 TWO WELLS TOWN CENTRE - LAND FACILITATION AGREEMENT: ADELAIDE PLAINS COUNCIL AND PREFERRED PROPONENT

RESOLUTION 2023/408

Councillor Keen Moved: **Seconded: Councillor Stubing**

"that Council, having considered Item 21.4 - Two Wells Town Centre - Land Facilitation Agreement: Adelaide Plains Council and Preferred Proponent, dated 18 December 2023, receives and notes the report."

CARRIED UNANIMOUSLY

22 **CLOSURE**

There being no further business, the Acting Mayor declared the meeting closed at 7.23pm.

Confirmed as a true record.